

Message Text

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TO AMEMBASSY QUITO

INFO AMCONSUL GUAYAQUIL

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E.O. 11652: N/A

TAGS: OGEN, PFOR, EC, US

SUBJECT: PROTOCOL: DRIVERS' LICENSES FOR ECUADOREAN
CONSULS IN CHICAGO AND CALIFORNIA

REF: QUITO 4122

1. UNTIL JANUARY OF THIS YEAR, FOREIGN CONSULAR OFFICERS WHO HAD VALID FOREIGN OR INTERNATIONAL PERMITS WERE NOT REQUIRED TO TAKE DRIVER'S EXAMINATION IN ILLINOIS. INCOMING SECRETARY OF STATE DETERMINED REGULATIONS DID NOT PERMIT WAIVER OF EXAMINATION AND ALL PERSONS NOW REQUIRED TO TAKE EXAMINATION. PERMITS ARE, HOWEVER, ISSUED FREE OF CHARGE TO CONSUL GENERAL AND DEPUTY.

2. WHILE FOREIGN CONSULAR PERSONNEL ARE EXEMPT FROM PAYMENT OF FEES FOR CALIFORNIA OPERATOR'S PERMIT, ALL INDIVIDUALS MUST MEET REQUIREMENTS ESTABLISHED BY STATE AS TO LICENSE QUALIFICATIONS. THESE INCLUDE KNOWLEDGE OF CALIFORNIA DRIVING LAWS, PRACTICAL DEMONSTRATIONS OF DRIVING, AND BASIC PHYSICAL AND MENTAL REQUIREMENTS.

3. ALTHOUGH DEPARTMENT WILL BRING THE GOE'S INQUIRY TO THE
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ATTENTION OF THE APPROPRIATE AUTHORITIES IN CALIFORNIA AND ILLINOIS, WE ARE NOT IN A POSITION EITHER TO REQUEST OR

REQUIRE THAT THESE STATES WAIVE THE LICENSE EXAMINATIONS FOR ECUADOREAN CONSULAR PERSONNEL. ISSUANCE OF DRIVERS LICENSES IS MATTER THAT FALLS WITHIN PURVIEW OF THE STATES AND DISTRICT OF COLUMBIA; AND THERE IS, IN OUR VIEW, NO INTERNATIONAL OBLIGATION, THROUGH INTERNATIONAL AGREEMENT OR OTHERWISE, FOR THE U.S. TO EXTEND TO FOREIGN DIPLOMATIC AND CONSULAR PERSONNEL AN EXEMPTION FROM COMPLIANCE WITH THE PERTINENT REQUIREMENTS. IN ADDITION, IT IS THE DEPARTMENT'S VIEW THAT THE DRIVING PRIVILEGE IS ONE WHICH SHOULD BE SUBJECT TO A HIGH DEGREE OF SCRUTINY IN LIGHT OF THE POTENTIAL CONSEQUENCES FOR HUMAN SAFETY AND, CONSEQUENTLY, SHOULD NOT BE GRANTED LIGHTLY. FOR THE SAME REASONS, THE REQUIREMENTS FOR ENJOYING THAT PRIVILEGE SHOULD NOT BE LIGHTLY WAIVED.

4. WE SUGGEST THAT YOU REPLY TO THE GOE INQUIRY ALONG THE FOLLOWING LINES:

A. THE DEPARTMENT IS INFORMING THE AUTHORITIES IN CALIFORNIA AND ILLINOIS OF THE GOE'S INQUIRY AND OF THE PRACTICE FOLLOWED BY THE GOE IN PROVIDING LICENSES TO U.S. CONSULAR PERSONNEL SUBJECT ONLY TO AN EYE EXAMINATION AND PRESENTATION OF A VALID U.S. LICENSE.

B. AS THE GOE IS AWARE, UNDER THE FEDERAL SYSTEM OF GOVERNMENT EXISTING IN THE UNITED STATES, A DIVISION OF POWERS EXISTS BETWEEN THE FEDERAL GOVERNMENT AND THE STATES. THE FEDERAL GOVERNMENT DOES NOT HAVE AUTHORITY TO PRESCRIBE THE RULES GOVERNING ISSUANCE OF DRIVERS LICENSES, SINCE JURISDICTION IN THIS AREA BELONGS TO THE STATES, WHICH ALONE WOULD BE IN A POSITION TO WAIVE THE EXAMINATION REQUIREMENTS FOR FOREIGN CONSULAR PERSONNEL.

C. IT IS NOT OUR DESIRE THAT GOE CONSULAR PERSONNEL SUFFER ANY UNNECESSARY INCONVENIENCE IN OBTAINING DRIVERS LICENSES; HOWEVER, WE HOPE THAT THE GOE WILL UNDERSTAND THAT OUR ABILITY TO ACT IN THIS AREA IS NECESSARILY LIMITED. RUSH

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